

RE: Comments Regarding: the 2018 Water Plan Update, Preliminary Draft, chapters 1-5, released September 27, 2017

Thank you for allowing us to provide you with the following comments regarding the *2018 Water Plan Update, Preliminary Draft, chapters 1-5, released September 27, 2017*, herein referred to as the Update. The following are our recommendations to this draft of the Update by topic:

Increase Tribal Involvement

Throughout Update it should more explicitly include provisions that Tribes should be provided the opportunity for participation in all plan activities, decision-making bodies, task forces and strategy teams wherein public agencies, service providers and stakeholders are included. This would better include Tribal participation in actions that the 2018 version of the Plan recommend. Therefore, authors should find each area [agency staff, water agencies, dam operators are to be included] and explicitly include Tribes as eligible participants, direct grant recipients and as lead-agencies.

Referenced Document Review

- That the Update provide direction to DWR/SWRCB staff to support three Tribal focus group meetings to discuss the important concepts, assumptions and decisions imbedded within the documents referenced in the Update. These include but are not limited to the California Water Fix, Eco Restore, and the Bay Delta Conservation Plan. We were surprised that none of the Tribal Water Plan Update meeting allowed us to discuss these concepts and offer important suggestions on how to strengthen the use of these documents since they will now be referenced within this plan. Instead we were told that one of the goals was to include these in the update but without the opportunity to collectively review them in context. We therefore, request three meetings so that Tribes can provide comments to integrate these plans properly into the Water Plan Update. We recommend that the first be a breakout session at the *3rd Statewide Tribal Water Summit* in April 2018. Tribes could then provide recommendations to DWR agency staff several months prior to the final release scheduled in October 2018.

Additionally, there were several areas within the document where we could not properly review the sections because a portion of information was referenced but not yet available for our review. For example under “Water Supply Reliability,” the statewide water balance referenced “(Figure 2X-1) which was not yet available. Again under “California State Water Management Plans and Initiatives California’s arid climate and history of drought and flood have prompted a variety of programs, actions, and initiatives aimed at achieving greater water sustainability statewide. At the State level, a variety of planning efforts, funding programs, regulatory reforms, and policy directives are helping to address key water resources management concerns.” Since these are referenced we would like to see those descriptions of these plans and initiatives that are to be included under “Appendix<add#>” once it is attached. We recommend that this information be available within the next two months to allow enough time to review it before the *Tribal Water Summit*.

Environmental Protection & Enhancement

- The Update itself has several areas that need strengthening in order for there to be substantive protection and enhancement of a number of threatened or endangered species, including Delta smelt, lamprey, sturgeon, Steelhead, Coho and Chinook salmon and abalone and interdependent ecosystems. Unfortunately the activities within the document did not clearly connect funding sources and activities with environmental protections and enhancement nor point to a clear entry wherein Tribes will be included in related activities beginning in the early project planning phase.

That all Tribes with historical uses or traditional resources in the region or in the watershed be included in decision-making bodies related to cultural resources in source headwaters that affect their traditional territories.

We would like to offer support on the eligible projects and grant recipients to create strategy on addressing the “current diversions and storage methods are not in keeping with the need for regional sustainability.”

We recommend that state agencies meet directly with Delta Tribes and Tribal communities to discuss the Delta Plan, Water Fix and EcoRestore to protect fish species, limits were placed on how much water could be pumped out of the Delta. Opponents have addressed concerns about whether or not the plan would help the Delta’s ecosystem recover. Tribes in the delta report not having been included in the creation of the Bay Delta Conservation Plan in which two 35-mile water tunnels would cross the Delta,

Sustainability

- In *Chapter 3. Actions for Sustainability*, The Update includes an assumption that the “state’s complex, interconnected water systems continue to support the values and aspirations that Californians hold in common.” And asserts that these now need to change because of “natural and human made” conditions. As a result the section continues “many Californians now face unacceptable risks from flooding and water quality, unreliable water supplies, continued depletion and degradation of groundwater resources, and habitat and species declines. Managing water resources systems for sustainability will require changing the status quo, addressing critical gaps and urgent needs, and strategically planning for the long-term.”

We would like to work with DWR staff before the public review draft is released on a way of describing what the Update means by the word sustainability. There are several places where its understanding could change significantly the outcome of any “environmental sustainability.” For example if it is can mean protection and enhancement of environmental and cultural beneficial uses and or it can be resources for revenue. This is particularly important in the section *Modernize and Rehabilitate Water Resources Management Systems* and in *Provide Sufficient and Sustainable Funding*.

Programmatic Environmental Compliance Task Force

- In chapter 3, pages 3-5 in the creation of the *Programmatic Environmental Compliance Task Force* we and in support of the creation of the *Climate Science and Monitoring Program* in Chapter 3, Page 6. We ask that you include Tribes with any joint convening of “local, State, and federal resources and water management.” We also recommend in list of potential participants and partners such as the California Natural Resources Agency, et.al. We recommend that listed in this section are first California Tribes and then Tribal representatives participating in the *EPA Region 9 Tribal Science Council*, regional IRWMs or other environmental bodies with Tribal participation.

If you have any questions give us a call in our office or on my cell phone.

Respectfully,

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